

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

RENEE FAVA-CROCKETT,

Plaintiff(s),

08cv0196

**ELECTRONICALLY FILED**

v.

BOEHRINGER INGELHEIM  
PHARMACEUTICALS, INC.,

Defendant(s).

**ORDER**

AND NOW, this 3<sup>rd</sup> day of November, 2008, upon consideration of Plaintiff's Motion for Sanctions and Motion to Compel Deposition in Pittsburgh (doc. no. 47) and Defendant's response thereto (doc. no. 49), said Motion is granted in part and denied in part. As to the request that Plaintiff should be entitled to a jury instruction regarding Defendant's spoliation of Plaintiff's actual log of daily physician contacts, said request is DENIED as premature. As to the request for original expense reports for Mr. Miller and Mr. Bibey, said request is GRANTED and said reports shall be produced on or before 11/5/08 in Pittsburgh, PA. As to the deposition requests, said requests are GRANTED as follows: Depositions of Messrs. Miller and Bibey and the re-deposition of Ms. Duris shall occur in Pittsburgh on or before 11/10/08, the deposition of Ms. Smith shall occur in Pittsburgh on 11/7/08, and the deposition of Mr. Kyle shall occur in Pittsburgh on or before 11/21/08. By conducting these depositions in Pittsburgh, the Court will be available to resolve any in-deposition disputes.

s/ Arthur J. Schwab  
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Arthur J. Schwab  
United States District Judge

cc: All Registered ECF Counsel and Parties